CCRB INVESTIGATIVE RECOMMENDATION

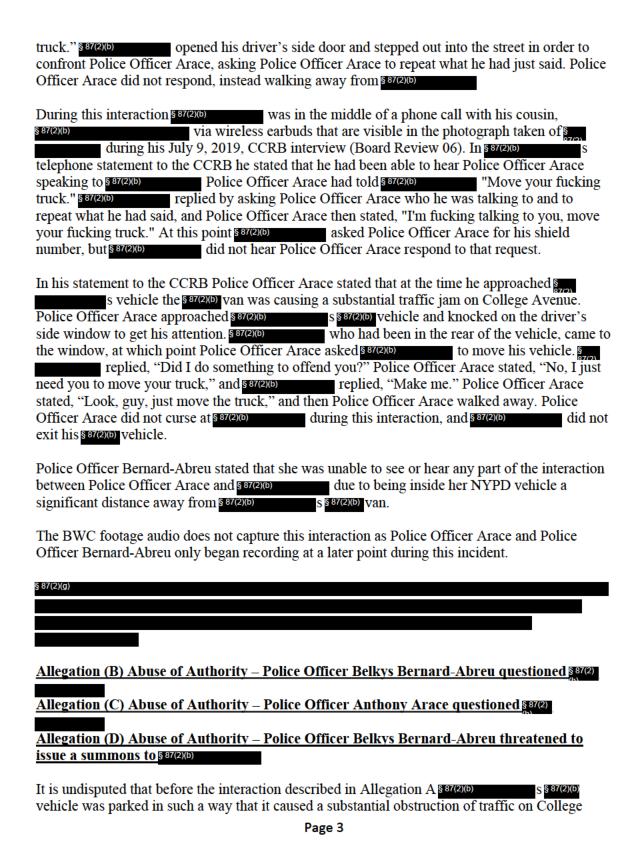
Investigator:		Team:	CCRB Case #:	☐ Force	☑ Discourt.	U.S.
Matthew Donaghy		Squad #2	201905282	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Monday, 06/17/2019 12:48 PM		1142 College Avenue	e	44 12/17/2020 8/3/2021		
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time Received at CCRB		
Mon, 06/17/2019 2:21 PM		CCRB	On-line website	Mon, 06/1	7/2019 2:21 PM	
Complainant/Victim	Type	Home Add	ress			
Witness(es)	ness(es) Home Address					
Subject Officer(s)	Shield	TaxID	Command			
1. POM Anthony Arace	00317	966443	044 PCT			
2. POF Belkys Bernard-Abreu	05998	929683	044 PCT			
Officer(s)	Allegati	on		Inve	estigator Recon	nmendation
A.POM Anthony Arace	Discourtesy: Police Officer Anthony Arace spoke discourteously to \$87(2)(b)					
B.POF Belkys Bernard-Abreu	Abuse: Police Officer Belkys Bernard-Abreu questioned					
C.POM Anthony Arace	Abuse: I	Abuse: Police Officer Anthony Arace questioned [8] 87(2)				
D.POF Belkys Bernard-Abreu		Abuse: Police Officer Belkys Bernard-Abreu threatened to issue a summons to § 87(2)(b)				

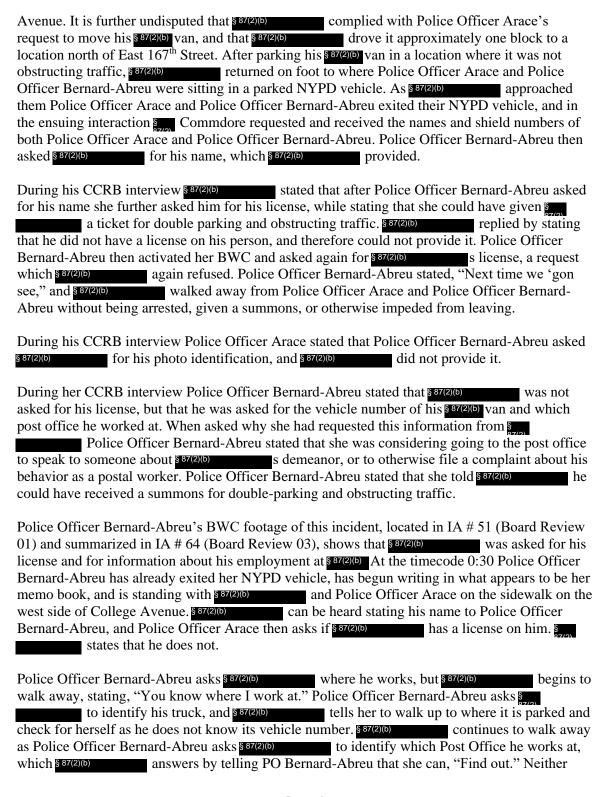
Case Summary

On June 17, 2019, § 87(2)(b) reported the following complaint via an online form with the CCRB. At approximately 12:45 p.m. on June 17, 2019, § 87(2)(b) was working his delivery route on College Avenue between East 166th Street and East 167th Street in the Bronx, §87(2)(b) double parked his 887(2)(b) van in front of 1142 College Avenue and left his vehicle unattended for several minutes while he delivered a package, and by the time he returned to his § 87(2)(b) van multiple vehicles had become stuck on College Avenue behind it. Police Officer Anthony Arace approached 887(2)(b) re-entered his §87(2)(b) van and allegedly told §87(2)(b) to "Move this fucking vehicle" (Allegation A: Discourtesy – Word, §87(2)(9)). § 87(2)(b) moved his parked it in a position where it was not obstructing traffic, and then returned on foot to talk with Police Officer Arace, During that conversation Police Officer Arace and his partner, Police Officer Belkys Bernard-Abreu, asked § 87(2)(b) for his name, identification, and for details related to his employment (Allegation B: Abuse of Authority – Question, § 87(2)(9) (Allegation C: Abuse of Authority – Question, \$87(2)(9)). Police Officer Bernard-Abreu then allegedly threatened § 87(2)(b) with a summons (Allegation D: Abuse of Authority – Threat of summons, § 87(2)(g)). § 87(2)(b) walked away without being arrested or issued a summons. The investigation obtained video footage from the body-worn camera (BWC) of Police Officer Belkys Bernard-Abreu, which is attached to IA #51 (Board Review 01), and of Police Officer Anthony Arace, which is attached to IA # 52 (Board Review 02). The BWC footage is summarized in IA # 64 (Board Review 03). **Findings and Recommendations** Allegation (A) Discourtesy – Police Officer Anthony Arace spoke discourteously to SECOL provided a telephone statement to the CCRB on June 20, 2019 (Board Review was interviewed in-person by the CCRB at the offices of New York City Council Member Vanessa L. Gibson on July 9, 2019. Police Officer Anthony Arace and Police Officer Belkys Bernard-Abreu were interviewed at the CCRB on August 8, 2019. \$37(2)(5) who is \$87(2)(b) s cousin and a witness to this incident, provided a telephone statement to the CCRB on August 12, 2019 (Board Review 05). stated that at approximately 12:45 p.m. on June 17, 2019, he was working in the rear of his parked \$87(2)(b) van on College Avenue in the Bronx between East 166th Street and East 167th Street when he suddenly heard a banging on the window of the closed driver's side door of his van. When § 87(2)(b) came to the window, he saw that Police Officer Arace was standing outside of § 87(2)(b) s driver's side door. In his CCRB interview § 87(2)(b) state that at this point Police Officer Arace told (\$307(2)(5)) to, "Move this fucking truck." In his telephone § 87(2)(b) provided Police Officer Arace's statement as, "Move your fucking

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Police Officer Bernard-Abreu nor Police Officer Arace follow \$87(2)(b) as as he continues to walk away. The investigation obtained photographs of the incident from a surveillance camera located at 1142 College Avenue in the Bronx, which are stored in IA # 43 (Board Review 07). These photos show a \$87(2)(b) vehicle, which the investigation has identified as \$87(2)(b) s \$87(2)(b) vehicle, double parked and obstructing traffic on College Avenue. New York State Vehicle and Traffic law, Title VII, Article 32, Section 1202 (1) (a) (Board Review 08) prohibits stopping, standing, or parking on the roadway side of any vehicle stopped. stood, or parked at the edge or curb of a street. §87(2)(b) In People v. DeBour, 40 N.Y.2d 210 (1976) (Board Review 10), the courts determined that, for an officer to exercise the common-law right to inquire, there must exist founded suspicion that criminal activity is afoot. This suspicion can be generated by knowledge possessed by officers in the moment or by a reasonable inference. In this case it is undisputed that Police Officer Arace and Police Officer Bernard-Abreu observed \$87(2)(b) sunattended \$87(2)(b) vehicle, doubleparked and obstructing traffic in violation of New York State Vehicle and Traffic law. It is undisputed that Police Officer Bernard-Abreu stated to \$87(2)(b) that he could receive a summons for double-parking and obstructing traffic. Though BWC footage shows both Police Officer Arace and Police Officer Bernard-Abreu asking 887(2)(5) questions about his § 87(2)(b) vehicle, his employment, and his identification, it is undisputed that § 87(2)(b) not in any way prevented from leaving the scene or otherwise stopped. §87(2)(9) **Civilian and Officer CCRB Histories** Police Officer Anthony Arace has been a member of service for less than one year and is the subject in two CCRB complaints, including this one, with three total allegations. Police Officer Arace's other CCRB case is still open. Page 5

• Police Officer Belkys Bernard-Abreu has been a member of service for 17 years. This is the first complaint in which she has been a subject.

Mediation, Civil and Criminal Histories

§ 87(2)(b)	declined to media	ate this complaint.	
§ 87(2)(c) (impai	r contract awards or CBAs), § 87(2)(b)		
Comptrol		equest was filed with the Office of the im related to this incident. The reply v	
Squad No.: 2			
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Ü		
	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date

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